Examiner's Detailed Office Action

1. This Office is responsive to application 10/540,284, filed

June 20, 2005. The examiner further acknowledges the

applicant's filing of the preliminary amendment filed June 20,

2005 wherein the applicants canceled claims 1-20 and introduced

claims 21-40. Claims 21-40 have been examined.

Objections to the Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The

drawings must show every feature of the invention specified in

the claims. Therefore, the:

     "help data",

     "additional help data",

     "context data", and

     the steps of the automatic adoption of "the context data"

     in the second help facility

must be shown or the feature(s) canceled from the claim(s). No

new matter should be entered.

     Corrected drawing sheets in compliance with 37 CFR 1.121(d)

are required in reply to the Office action to avoid abandonment

of the application. Any amended replacement drawing sheet should

include all of the figures appearing on the immediate prior

version of the sheet, even if only one figure is being amended.

The figure or figure number of an amended drawing should not be

labeled as "amended." If a drawing figure is to be canceled, the

appropriate figure must be removed from the replacement sheet,

and where necessary, the remaining figures must be renumbered

and appropriate changes made to the brief description of the

several views of the drawings for consistency. Additional

replacement sheets may be necessary to show the renumbering of

the remaining figures. Each drawing sheet submitted after the

filing date of an application must be labeled in the top margin

as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR

1.121(d). If the changes are not accepted by the examiner, the

applicant will be notified and informed of any required

corrective action in the next Office action. The objection to

the drawings will not be held in abeyance.

Claim Rejections - 35 U.S.C. 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 21-33 are rejected under 35 U.S.C. 101 because these claims fail to be

drawn to patent eligible subject matter.

As stated above, claims 21-33 appear to represent nonstatutory subject matter under 35 USC 101 in light of the information provided below.

The Specification expressly states the following:

Par. [0012]

- "A help system according to the invention is described in detail below with reference to Fig. 1. Fig. 1 shows a help system 1, which comprises a first help facility 2, which is installed on a data processing device 3 as a part of a software and/or application. The first help facility 2 is thus a help facility **which is delivered as part of a software together with the software and is installed on the data processing device 3**. In the event that a user requires help data in order to answer a question or a problem which arises, the user enters search terms by means of an input..."

Par. [0014]

- "For the purpose of the invention, a second help facility 5 is to be integrated into the help facility 1 according to the invention, in addition to the first help facility 2. The second help facility 5 is configured as an online help facility and contains day-to-day information and/or help data. The data processing device 3, on which is installed the first help facility 2, accesses the second help facility 5 such that generated context data is automatically transferred as context data for the search in the second help facility 5 in connection with the first help facility 2. On the basis of this context data, the second help facility 5 provides the user and/or data processing device 3 with additional help data. Accordingly in the context of the invention, the context data generated in conjunction with the use..."

Accordingly, absent any information to the contrary, it appears from the above that

each of the elements recited in claim 21 represent software and the claim is drawn

toward software per se. Claims 22-33 appear to further limit claim 21 with respect to

software and would be the subject to the same rejection under 35 USC 101 as claim 21.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs

of 35 U.S.C. 102 that form the basis for the rejections under

this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication
> in this or a foreign country or in public use or on sale in this
> country, more than one year prior to the date of application for patent
> in the United States.

5. Claims 21-23 and 34-36 are rejected under 35 U.S.C. 102(b) as

being   anticipated   by   Brooks   et   al.   (Brooks)   (USPNUM:

4,992,972).

Regarding claim 21. (new) *Brooks* teaches a help system (*see*

Abstract and FIGS. 1 and 4) comprising:

a first help facility installed on a data processing device,

wherein the first help facility provides help data to a user on

the basis of context data produced implicitly or explicitly by

the user (*see* Abstract, *Examiner interprets "context-sensitive*

help" to be a first help facility installed on a data processing

device (see FIG. 1), wherein the first help facility provides

help data to a user on the basis of context data produced

implicitly or explicitly by the user ("the help module mapped

to current cursor position").), wherein the help data is stored

in the first help facility (*see* FIG. 4 and col. 6, lines 21-35,

Examiner interprets "help object 440" to be used to store help

data modules 441. Examiner interprets "help object 440" to be

part of the first help facility.); and

a second help facility accessed by the data processing device

such that the context data is adopted automatically in the

second help facility (see Abstract, *Examiner interprets "index-*

sensitive help" to be a second help facility accessed by the

data processing device such that the context data ("search words

in an entry area") is adopted automatically in the second help

facility.), wherein the second help facility provides additional

help data to the user on the basis of the context data (*see*

Abstract, *Examiner interprets a list of "the modules associated*

with the search word ordered by number of hits" to be additional

help data to the user on the basis of the context data.),

wherein the additional help data is stored in the second help

facility (*see* FIG. 4 and col. 6, line 63 to col. 7, line 32,

Examiner interprets "index object 450" to be used to store the

additional help data. Examiner interprets "index object 450" to

be part of the second help facility.).

Regarding claim 22. (new) The help system according to claim 21, wherein the first help facility is an application or a part of an application (*see* Abstract).

Regarding claim 23. (new) The help system according to claim 21, wherein the context data are determined on the basis of search terms (*see* col. 4, lines 50-53, *Examiner interprets the "lines on panel 240...arranged in order of the number of correspondences between all input search words and index terms in each help module" to be context data determined on the basis of search terms.*).

Regarding claim 34. (new) An automation device comprising a help system according to claim 21 (see FIG. 1 and col. 3, line 35 to col. 4, line 20, *Examiner interprets a "publicly available IBM System/38 data processor" with a keyboard that 'includes a conventional "help" key' such that if 'the user wishes help, he presses the keyboard "Help" key' which causes the data processor to bring up "a help-text panel" to be an automation device comprising a help system.*).

Regarding claim 35. (new) *Brooks* teaches a method for providing

help data (*see* Abstract), the method comprising:

implicitly or explicitly defining context data regarding a first

help facility by a user (*see* Abstract, *Examiner interprets*

"context-sensitive help" where "the help module mapped to

current cursor position" to implicitly or explicitly define

context data ("current cursor position") regarding a first help

facility by a user.);

providing help data to the user, the help data based on the

context data (*see* Abstract, *Examiner interprets the "context-*

sensitive help" to be the first help facility and to provide

help data ("the help module") to the user, the help data based

on the context data ("current cursor position").), and wherein

the help data is stored in the first help facility (*see* FIG. 4

and col. 6, lines 21-35, *Examiner interprets "help object 440"*

is used to store help data modules 441. Examiner interprets

"help object 440" to be part of the first help facility.);

automatically adopting the context data in a second help

facility (*see* Abstract, *Examiner interprets "index-sensitive*

help" to automatically adopt the context data ("search words in

an entry area") in a second help facility.);

providing additional help data to the user based on the context

data by the second help facility (*see* Abstract, *Examiner*

interprets a list of "the modules associated with the search
word ordered by number of hits" to provide additional help data
to the user based on the context data by the second help
facility.), wherein the additional help data is stored in the
second help facility (*see* FIG. 4 and col. 6, line 63 to col. 7,
line 32, *Examiner interprets "index object 450" to be used to*
store the additional help data. Examiner interprets "index
object 450" to be part of the second help facility.).

Regarding claim 36. (new) The method according to claim 35,
wherein the context data are determined on the basis of search
terms (*see* col. 4, lines 50-53, *Examiner interprets the "lines*
on panel 240...arranged in order of the number of
correspondences between all input search words and index terms
in each help module" to be context data determined on the basis
of search terms.).

Allowable Subject Matter

7.   Claims 24-33 would be allowable if applicants can overcome
the rejection(s) under 35 U.S.C. 101, set forth in this Office

action and to include all of the limitations of the base claim

and any intervening claims.

8.   Claims 37-40 are objected to as being dependent upon a

rejected base claim, but would be allowable if rewritten in

independent form including all of the limitations of the base

claim and any intervening claims.

Correspondence Information

Any inquiry concerning this communication or earlier

communications from the examiner should be directed to Nathan H.

Brown, Jr. whose telephone number is 571-272- 8632. The

examiner can normally be reached on M-F 1100-1900. If attempts

to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Donald Sparks can be reached on 571-272-

4201. The fax phone number for the organization where this

application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be

obtained from the Patent Application Information Retrieval

(PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system,

see http://pair-direct.uspto.gov. Should you have questions on

access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Nathan H. Brown, Jr.   /Donald Sparks/
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Examiner, Art Unit 2129   Examiner, Art Unit 2129
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